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EXAMINER

MAHONE, KRISTIE ANNETTE

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,204

Applicant(s)

PARK, IN-KU

Examiner

Kristie A. Mahone

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-34 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 21 November 2005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required.

Claim 1 recites a supporting frame having a "*clamp*." However, the specification discloses a frame equipped with a "*cramp*."

Claim 7 recites that the body part has an "additional withdrawing grip." The specification lacks antecedent basis for a body part having multiple withdrawing grips.

The specification is silent regarding the "water-stopping groove" limitation recited Claim 19.

Claim 34 recites the "sanitary seat cover further compris[ing] elastic means at the supporting frame...". The specification appears to lack antecedent basis for an elastic seat cover.

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1-2 are objected to because of the following informalities. Claim 1 recites the limitation "a [the] cramp" in lines 7 and 9. Presumably, Applicant is referring to the "cramp;" i.e. the lines contain a typographical error.

Claim 2 recites "the cramp" in line 2. There is insufficient antecedent basis for this limitation in the claim. Correction of the presumed typographical error in Claim 1, lines 7 and 9 will resolve the antecedent basis problem. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It

is not apparent which structure upon the frame functions to stop water. Because specification is silent regarding structure of such "water stopping groove", a person of reasonable skill in the art would be unable to make and use the invention as claimed.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-34 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, Claim 6 reads: "the sanitary seat cover assembly according to Claim 5, wherein the the sanitary seat cover a plurality of withdrawing grips is bound in a state where the grips are folded at one side..." It is impossible for the Examiner to address all the 35 U.S.C. 112 failings in this Action. The following is an exemplary, non-exhaustive listing of such statutory failings. Furthermore, given the condition of the claims, Applicant should note that prior art is applied as best understood by the Examiner.

Regarding Claim 1, the limitation "the top surface of the seat" is recited in lines 3-4. There is insufficient antecedent basis for this limitation in the claim; i.e. no prior recitation of a seat having a top surface in the claim. Subsequent claims are replete with antecedent basis issues, as they refer to various surfaces of a seat. For example,

Claim 3 recites "the external edge of the seat" and "the internal edge of the seat."

Because there is no earlier recitation of a seat with such surfaces, it is unclear as to which portion of the seat the limitations are referring to.

Claim 2 recites limitation "the portion binding the sanitary seat covers from the top...the set up position" in lines 3-6. There is insufficient antecedent basis for (1) a portion binding the sanitary seat covers from the top; and (2) a set-up position. Thus, the claim is inferential. Examiner is unable to ascertain which structure is being claimed in addition to a cramp having a groove. See line 2. Prior art will be applied to the claim as best understood.

Regarding Claims 12-13, the structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claims appear to be literal translations into English from a foreign document and are replete with grammatical and idiomatic errors.

The examiner is unable to comprehend which structural features are being added the binder of Claim 8 because the claims are nonsensical—particularly lines 4-6 of Claim 12 and lines 4-8 of Claim 13. Prior art will be applied as best understood.

Claim 19 recites the limitation "the lateral wall of the internal ...frame" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. Claim 14 does not recite an internal frame. Due to the enablement (noted above) and antecedent basis problems, the examiner is unable to understand which structure is being claimed. Therefore, no art rejections are made regarding Claim 19 in this Action.

Regarding Claims 26-27, the structure making up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claims appear to be literal translations into English from a foreign document and are replete with grammatical and idiomatic errors.

The examiner is unable to ascertain which structural features are being added to the external frame of Claim 15 because the claims are nonsensical. For, the examiner can not comprehend the meaning of the following phrases appearing in Claim 26: "an auxiliary frame *whose portion of a depth* is cut out in the *piling direction* of the sanitary seat covers" [emphasis added]; "coverlets are fixed along at least one of *front, center in the width direction or back side of the auxiliary frame*" [emphasis added]. Therefore, no art rejections are made regarding Claims 26-27 in this Action.

Regarding Claim 34, lines 4-6, it is not apparent which "portion" the "supporting rod" supports. Furthermore, lines 7-10 are nonsensical; particularly the phrase "when the guards approach elastically to the supporting frame." The examiner is unable to decipher which structure applicant intends to claim. Therefore, no art rejections are made regarding Claim 34 in this action.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2 and 4-8, 14-16, 18, 20-21, and 32-33 are rejected under 35

U.S.C. 102(b) as being anticipated by Thomasma (2,002,721). Regarding Claims 1-2, Thomasma discloses the same invention, a seat cover assembly, including: sanitary seat covers (34) having a body part and a neck part extensively protruding to a portion where the seat (2) is hinged at the body part (3). See Figs 1-2. Referring to Figures 4-5, Thomasma further discloses a supporting frame (8-10), having a clamp/cramp (11-15) which fixes the neck parts of a plurality of seat covers which are piled and overlapped at a portion where the seat is hinged (3). See Col. 2 at 31-47; Col. 3 at 55-58.

The cramp has a groove to fit the portion binding the seat covers from the top. Such groove is seen as the pocket formed by the intersection of members 11 and 14. See also Col. 2 at 39-47.

Regarding Claim 4, as shown in Figure 1, the body part of Thomasma's seat cover (34) is a generally oval shaped plate, with an outer diameter corresponding to the external edge of the seat (2), and a center part (36) formed to correspond with the internal edge of the seat (2). A hole (36) is tailored in the center part.

Regarding Claims 5-7, Thomasma's seat covers further comprise a withdrawing grip (38) protruding from the edge of the body part. (Fig. 1). With respect to Claim 6, as seen in Fig. 10, when the seat covers are bound in a pack, the withdrawing grips (38) are folded at one side of the seat covers (34) so as to be overlapped. See Col. 3 at 69 – Col 4, 1-6. The "additional withdrawing grip" limitation recited in Claim 7, line 2

suggests that applicant intends for the seat cover to have multiple withdrawing grips. Since Claim 1 does not recite a first withdrawing grip, "additional" as used in Claim 7 merely adds a withdrawing grip to the structure of Claim 1.

Regarding Claim 8, Thomasma's seat covers are piled with their neck parts bound into a pack with a binder (35). See Fig. 5 and Col. 3 at 55-61. A cut line is added at the neck part between the portion pressed by the binder and the body part. See Col. 4 at 29-30.

Regarding Claims 14-15, Thomasma discloses a supporting frame (8-10) with a clamp/cramp (11-15) further comprising an external frame ("holding member" 24-25) which covers an edge of the seat covers and faces one side of the seat covers (34). See Col. 3. at 24-30; Fig. 4. Said external frame (24-25) turns about a horizontal axis running through hinge members 26 and 27 (Fig. 4). Thus, the external frame (24-25) may be selectively attached or detached from the supporting frame (8-10). See Col. 3 at 24-37.

Regarding Claims 16 and 18, Thomasma also discloses an internal frame (20-22) at the center of the supporting frame (8-15) to cover the internal edge of the seat covers (34) in correspondence with the shape of the cut center portion of the covers. See Col. 3 at 13-23; Fig. 4. The receptacle or pocket defined at the top and bottom by 20 and 22, and annularly by flanges 21 is seen as an "accommodating part" capable of accommodating things including cushions, paper, books, etc.

Regarding Claims 20-21, Thomasma discloses a hitching jaw (29-31) at the top of the supporting frame, such hitching jaw being a plate spring which presses elastically

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so as to keep the seat covers tightly stuck to the supporting frame. See Col. at 42-47; Fig. 9.

Regarding Claim 32, as noted above, Thomasma discloses a seat assembly comprising: a seat (2) hinged to the back portion of a toilet bowl (1); sanitary seat covers (34) having a body part and a neck part extended and protruded to a portion where the seat is hinged (3); a supporting frame (4-10) comprising a cramp (11-15). As shown in Figure 2, Thomasma's supporting frame (4-10) comprising a cramp (11-15) is hinged (via "hinge members" 3) with the seat to selectively fix the neck parts of multiple seat covers which are overlapped and piled at the hinge portion. See Col. 1 at 43-56; Col. 2 at 1-16. Nuts and bolts at post 3, serve as connectors. The nuts and bolts are fastened at the edge of the seat (2) to corresponding to the edge of the supporting frame (5), wherein the seat and the supporting frame are tightly placed.

Regarding Claim 33, Thomasma discloses guards (28) for supporting the edge of the sanitary seat covers (34).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasma in view of Engel (4,850,061). Thomasma does not explicitly disclose that the seat cover has a cut-line corresponding to the internal edge of the seat. However, Engel teaches a seat cover which may be provided "with its inner portion, outlined by perforations or other detachable means." Col. 2 at 33-36. Thus, it would have been obvious to a person of ordinary skill in the art at the time of invention to modify Thomasma with a cut line, as taught by Engel, to permit easy removal of the inner portion of the cover; i.e. for waste to pass through.

13. Claims 9-11 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasma in view of Eckerlein (1,429,724). With respect to Claim 9, Thomasma does not explicitly disclose a binder that presses and fixes the neck parts of the seat covers by screw combining with the supporting frame. However, Eckerlein teaches a seat cover assembly wherein the binder (i) presses and fixes the neck parts of the seat covers (e) by screw combining with a supporting frame (a,c-d). See Col. 1 at 37-56.

Regarding Claim 10, Eckerlein teaches a nut (i2) mounted on the frame (a) and a hole or groove formed at the neck part of the seat covers (b). See also Fig. 3. Eckerlein's binder (i) has bolts (i1) which pass through holes or grooves in the neck part opposite the nut (i2).

Regarding Claim 11, Eckerlein also teaches a pressing plate (q) for pressing the neck parts in the position where the bolts (i1) are pressed to the seat covers. Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of invention to modify Thomasma's binder with bolts, nuts, and a pressing plate, as taught by Eckerlein to better secure the seat covers with the supporting frame.

Regarding Claims 22-23, Thomasma does not expressly disclose a seat cover assembly having coverlets mounted over the supporting frame. However, Eckerlein teaches a cover member (b) mounted over a supporting frame (a,c,d) to selectively cover the external portion of a block of sanitary seat covers (e) along with the supporting frame (a,c,d). (Fig. 3). As shown in Figure 3, the coverlet (b) is formed in the shape of a plate to cover the lateral portion of the edge of the sanitary seat covers (e), including the exposed front portion of the supporting frame (a,c,d). Further, coverlet b is hinged to the top of the supporting frame at aperture o. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomasma's seat cover assembly by adding a coverlet, as taught by Eckerlein, to protect the seat covers from exposure moisture and other contaminants in the environment.

Regarding Claim 24, Thomasma as modified by Eckerlein does not expressly disclose coverlet(s) comprising a film which is made of synthetic resin, including a vinyl product. Eckerlein teaches that the seat cover assembly "may be made of wood, metal, or other suitable materials." Col. 2 at 81-84.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art fabricate Eckerlein's coverlet from synthetic resin (including vinyl) because such materials are well known in the art; and

Applicant has not disclosed that using such materials provides an advantage, is used for a particular purpose, or solves a stated problem.

Therefore, it would have been prima facie obvious to modify Thomasma as modified by Eckerlein to obtain the invention specified in Claim 24 because such modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Thomasma and Eckerlein.

14. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasma in view of Hazar (4,979,237). As noted above, Thomasma's seat covers further comprise a withdrawing grip (38) protruding from the edge of the body part. (Fig. 1). As seen in Fig. 10, when the seat covers are bound, the withdrawing grips (38) are folded at one side of the seat covers (34) so as to be overlapped. See Col. 3 at 69 –Col 4, 1-6. Regarding Claims 28 and 31, Thomasma does not expressly disclose seat cover(s) which may be folded in two divisions (i.e. bottom part including the neck part with respect to the center of the body part), or four divisions. However, Hazar teaches sanitary seat covers (50) having been folded about a horizontal fold line (70) and a vertical fold line (72). See Fig. 5. Therefore, it would have been to a person of ordinary skill in the art at the time the invention was made to modify Thomasma's seat covers such that they could be folded in two or four divisions, as taught by Hazar, to conserve space.

Regarding Claim 29, when the seat covers of Claim 28 (folded into two divisions) are installed in Thomasma's support frame, the support frame is divided into a top and a bottom portion corresponding to the shape of half-folded seat covers. The bottom

portion is occupied by the folded seat covers; and the top portion constitutes an accommodating part to store a bound pack of the remaining sanitary seat covers.

Regarding Claim 30, when members 24,28-29 of Thomasma's seat cover assembly are seen as coverlets on the supporting frame which protect at least a portion of the seat covers from the outside humid environment. See Fig. 1.

Allowable Subject Matter

15. Claims 12-13, 17, and 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Matsunaga et al (5,590,424), Akazawa (6,058,518), Wu et al. (6,006,370), Ohba (6,862,752), Douglas (1,638, 247), Kao et al (6,404,265), Lemon et al. (2,166,996), Richardi (2,260,404), and Kann (1,760,363). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie A. Mahone whose telephone number is (571) 272-3680. The examiner can normally be reached on Monday -Friday 8:30A.M-5 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kristie A. Mahone
Examiner
Art Unit 3751


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9/15/06